

DRAFT MINUTES – REGULAR MEETING
Zoning Board of Appeals
February 27, 2014
City Council Chambers
7:00 pm

Present were Acting Chairman Herb Krate, Rodney S. Moore, Joseph Hanna, Michael Sibbitt, Alt. Anthony Rebeiro. Absent were Chairman Richard S. Jowdy, Alt. Rick Roos.

Staff present were Sean P. Hearty, Zoning Enforcement Officer, Secretary Patricia Lee.

Moore made a motion to hear tonight's three issues. Second by Sibbitt. Motion carried unanimously. Krate introduced the procedures for public hearings to the audience.

CONTINUATION OF PUBLIC HEARING:

14-04 – CONTINUED from 1/23/14 to **3/27/14**: Scott Hamilton, 207 Stadley Rough Rd.(J04153), Sec.4.A.3., to reduce min. front yard setback on Stadley Rough from 30 ft. to 5 ft.; Sec.3.G.3.a., to allow detached accessory building in required min. front yard; Sec.3.G.3.c., to allow detached accessory use to have ground floor area, when combined with other accessory buildings on the lot, to increase from 50% to 72% for detached garage (RA-20 Zone).

NEW BUSINESS:

14-07 – O'Mahony Properties, LLC, 56 Lake Avenue Ext.(E15092, E15093), Sec.5.B.3., reduce front yard setback from 25 ft. to 8.7 ft.; reduce side yard setback from 20 ft. to 3.8 ft.; reduce rear yard setback from 30 ft. to 0.5 ft.; increase max. building coverage from 30% to 32%; Sec.5.H.1.b., reduce required planting strip from 20 ft. to 2.0 ft. along frontage; Sec.5.H.2., permit parking and display in front yard setback; Sec.8.C.1.c., permit parking in required front yard; Sec.8.A.2.c.(4)., reduce edge of excavation or fill from 5 ft. of property line to 0.0 ft. to property line; Sec.8.C.3.b., eliminate requirement for landscape islands adjacent to spaces #1 and #13c; Sec.8.E.5.a., reduce required front yard sign setback from 10 ft. to 3.0 ft.(CA-80 Zone). Ben Doto passed out the Motofit Conceptual Site Plan, CO1. Herb Krate read the variances requested into the record. Krate joked is there anything you don't want? Ok, guys. Neil Marcus took the mic and introduced his team: Ben Doto, Mr. O'Mahony. This is one of the most nonconforming parcels that I have come across in my career, Marcus began. It's a nonconforming lot. It is a nonconforming use. We hope to relocate Mike's motor cycle shop. We will have a use at least that conforms to the CA-80 Zone. Because of the size, dimension, the shape of the lot; Ben Doto will go through each of the variances. The flat white rectangle is the Hyatt building (on the aerial photo). Marcus described the vicinity and the colored plan Doto distributed tonight. Krate and Marcus joked about a dairy bar. Doto identified himself at the easel. Doto described the State right of way, Old Mill Plain Road; a city parcel; it appears there is more land between us and the State right of way. Doto went through the front yard setback request, the side yard setback, the rear yard setback, the building coverage request. It allows us to use a small portion of the site and get conforming parking; there are only a couple of compact spaces that we are asking for, and also, it gives us room. We considered our neighbors when we were doing this. That billboard blew down during (super storm) Sandy. This is a billboard that is designed for I-84 traffic; a big truss system. We are going to improve that with our building. That's a benefit to the neighborhood and people driving by. A lot of these variances, Doto continued, are redundant. Planning prefers we ask for every possible variance. For example, we are putting the parking

spaces 25 feet from the property Line. There's no reason to have an island back there by the railroad. That was about the only spot for the sign; the sign is 30 plus feet from the edge of the road. The existing building is right here; it's about 40 feet from the edge of Lake Avenue. Our building is 8.7 ft. from the property line, so the street line will be consistent. Doto moved on to discuss the parking requests; the parking spaces will be further from the street. Marcus said Ben has talked to you about the old road. Krate asked Marcus was any attempt made to buy the triangle from the City. Marcus replied at the moment the City is not interested in selling it. Krate introduced this in the voting session later. Moore said he had to make his own special copy of the agenda numbering all the variances requested, totaling ten. Anyway, Moore said, it makes more sense when you see the rest of the paperwork. Krate asked are you going to make a motion. Moore replied yes, I will. I make a motion to **approve # 14-07**: reduce front yard setback from 25 ft. to 8.7 ft.; reduce side yard setback from 20 ft. to 3.8 ft.; reduce rear yard setback from 30 ft. to 0.5 ft.; increase max. building coverage from 30% to 32%; to reduce required planting strip from 20 ft. to 2.0 ft. along frontage; to permit parking and display in front yard setback; to permit parking in required front yard; to reduce edge of excavation or fill from 5 ft. of property line to 0.0 ft. to property line; to eliminate requirement for landscape islands adjacent to spaces #1 and #13c; to reduce required front yard sign setback from 10 ft. to 3.0 ft. in the CA-80 Zone. The hardship is the extreme nonconforming property right now; it's in keeping with the neighborhood, and improves for tax revenue purposes, per plan submitted. Second by Sibbitt and Hanna. Motion carried unanimously.

14-08 – Patricia Marsalisi, 68 Aunt Hack Rd.(C11019), Sec.3.G.3.a., to permit detached accessory building in required min. front yard; Sec.4.A.3., to reduce min. front yard setback from 40 ft. to 4.2 ft. for shed (RA-40 Zone). **No show.** (Will appear on 3/27/14 ZBA Agenda.)

14-09 – Ancelmo A. Arias & Maria V. Arias, 3 Highland Ave. (H13095), Sec.4.C.3., to reduce min. required side yard setback from 8 ft. to 7.4 ft. for single-family residential addition (R-3 Zone). Krate announced this request for Highland Avenue. Malvyn Paulino, agent, introduced this item, saying we're here to request a variance for the side yard of a single-family home and he stated the dimensions and when the house was built. Krate asked Paulino who he is. They want to extend the 2 bedrooms upstairs since they are very small. There are no closets, Paulino said. The residents of this house have three children. They only have three bedrooms; the one in the attic is unfinished. Basically they want more space for their children and more space for themselves, Paulino said. Krate asked are there any questions. Hanna asked about the required side yard setback. Hearty said as the intensity of the use increases, the setbacks increase, and Hearty clarified the rule: for a single-family the setbacks are less (8 ft. versus 15 ft.). Hearty said but you are correct, Mr. Hanna. Moore asked about the side yard line of the existing house. Paulino said also their daughter owns the adjacent building and she does not oppose it. Hearty said that would be silly if she opposed it. You never know. Any other questions, Krate asked. Is there anyone in favor or in opposition to this? Krate continued we will inform you of our decision. Sibbitt motioned to close the public hearing. Second by Moore. Motion carried unanimously. Krate said we can go right in to the voting session. Krate re-opened **# 14-09** saying are there any questions, comments, and/or a motion, please. Joe Hanna made a motion to **approve** the petition to reduce minimum required side yard setback from 8 ft. to 7.4 ft. for a single-family residential addition in the R-3 Zone. Hanna said the existing house is 7.4 feet from the side yard setback; it does not affect the safety, welfare and health of the neighborhood. Second by Rebeiro. Motion carried unanimously.

ACCEPTANCE OF MINUTES: Krate said before we adjourn, we have minutes from the January 23, 2014, meeting. We do have a quorum. Motion to accept these minutes as presented by Rod Moore. Second by Hanna. Motion carried unanimously.

ADJOURMENT: Motion to adjourn by Michael Sibbitt. Second by Hanna. Motion carried unanimously at 7:33 pm.

Respectfully submitted,

Patricia M. Lee, Secretary